

**DECISION**

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**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548**

**FILE:** B-210776**DATE:** May 19, 1983**MATTER OF:** Janke and Co., Inc.**DIGEST:**

1. Protest questioning the awardee's financial and physical capability of performing the contract presents a matter of responsibility and GAO will not review an affirmative determination of responsibility except in limited circumstances.
2. An allegation that the awardee does not intend to perform the contract in accordance with its terms is a matter of contract administration which will not be considered by GAO.

Janke and Co., Inc. protests the award of a contract to Hydraulics International, Inc., under request for proposals (RFP) No. N00140-82-R-5325 issued by the Department of the Navy. The solicitation is for portable hydraulic power units. Janke contends that the awardee is not a responsible bidder and that it does not intend to supply source-approved components as required by the RFP. We dismiss the protest.

Janke first contends that Hydraulics lacks the physical and financial capacity required to perform the contract. Janke argues that in view of the limited size of Hydraulics' physical plant and work force and the large scope of recent contract awards, the Navy's finding that Janke is a responsible bidder is incorrect.

Our Office does not review affirmative determinations of responsibility unless there is a showing of possible fraud on the part of procuring officials or misapplication of definitive responsibility criteria. Hooper Goode, Inc., B-209830, March 30, 1983, 83-1 CPD 329. Janke has not made a showing of possible fraud on the part of Navy officials and the solicitation contains no definitive responsibility criteria. Therefore, we will not consider this contention.

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Janke also contends that Hydraulics does not intend to supply hydraulic power units that conform to the specifications.) The specifications contain a series of drawings of components of the units. For many components, the drawings list suggested sources or approved sources. (Janke is an approved or suggested source for three of the components. Since Hydraulics has not contacted Janke for quotations on any of these components, Janke surmises that Hydraulics will not comply with the specifications.)

Initially, we note that (there are other approved or suggested sources from which Hydraulics could procure two of the three components. Moreover, the RFP permits the use of substitute sources if the prior approval of the agency is secured. Thus, Hydraulics' failure to request quotations from Janke does not raise an inference that Hydraulics will not comply with the specifications.)

In any event, there is no indication in Hydraulics' proposal that it intends to supply hydraulic units which do not comply with the approved-source specifications.) Janke's assertion that Hydraulics will not perform the contract in accordance with its terms is a matter of contract administration which is the responsibility of the contracting agency and not within the purview of GAO's Bid Protest Procedures. Equipment Renewal Company, B-211051, March 30, 1983, 83-1 CPD 332.

The protest is dismissed.)

*F. H. Barclay, Jr.*  
For Harry R. Van Cleve  
Acting General Counsel